

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3918

United States of America,

Appellee,

v.

Jesse L. Minter,

Appellant.

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* Appeal from the United States

* District Court for the

* Western District of Missouri.

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• [UNPUBLISHED]

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Submitted: October 7, 2004

Filed: October 13, 2004

Before MURPHY, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Jesse L. Minter appeals from the final judgment entered by the district court¹ upon his guilty plea to possessing with intent to distribute 5 grams or more of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B) (Count 1), and with carrying or possessing a firearm in connection with a drug-trafficking offense, in violation of 18 U.S.C. § 924(c)(1) (Count 2). On appeal, his counsel has moved to withdraw and

¹The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.

filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court should not have accepted Minter's guilty plea to Count 2. We affirm.

Minter testified at his plea hearing that, on April 15, 2003, he was pulled over by a Kansas City, Missouri police officer for a traffic violation, and that he had at least 5 grams of crack cocaine, which he knew was illegal to have and which he intended to give or sell to other people. He testified further that he had possessed a firearm, which he had with him in the vehicle to protect and defend himself. We find that a factual basis was amply established for the guilty plea on Count 2 based on Minter's plea-hearing statements. See United States v. Cuervo, 354 F.3d 969, 990-991 (8th Cir. 2004) (elements of § 924(c)(1)(A) offense), petitions for cert. filed, (June 08, 2004) (No. 03-10813), (June 10, 2004) (No. 03-10836), and (Sept. 29, 2004) (No. 03-11034).

Having found no nonfrivolous issues after reviewing the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we affirm. We also grant counsel's motion to withdraw.
